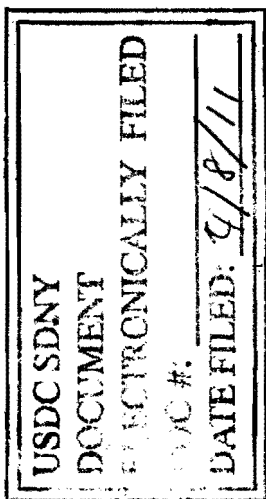


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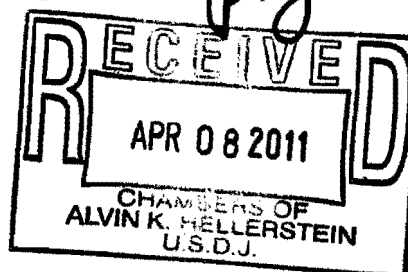
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## VIA FACSIMILE

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Court House  
500 Pearl Street, Room 1050  
New York, NY 10007-1312

April 8, 2011



*Denied w/out prejudice. Proceed with motion, or joint letter under my July 25.*

Re: *In re September 11 Litigation*, 21 MC 101 (AKH);  
*Aegis Ins. Servs., Inc. v. 7 World Trade Co., L.P.*, 04 Civ. 7272 (AKH)

Dear Judge Hellerstein,

We represent Citigroup Inc. and Citigroup Global Markets Holdings Inc. (together "Citigroup") in the above-referenced action. As the Court is aware, 7 World Trade Company, L.P., Silverstein Properties, Inc. and Silverstein Development Corporation (together "7WTC Co.") and Citigroup submitted separate motions for summary judgment seeking dismissal of all claims alleged by plaintiffs in the above-referenced actions. Oral argument was held on these motions on December 16, 2010.

We write to seek clarification of the Court's statements during the December 16 oral argument indicating that further expert discovery should not proceed until the Court has ruled on the *sub judice* summary judgment motions. Specifically, during that hearing, the Court instructed the parties to "stop" and that "no more experts" are necessary unless "the case survives," in which case the Court would schedule a status conference to discuss next steps. See Transcript of Oral Argument at 86, *Aegis Ins. Servs., Inc. v. 7 World Trade Co., L.P.*, No. 04 Civ. 7272 (AKH) (Dec. 16, 2010) ("COURT: Stop. No more experts. I'll call a status conference. If the case survives, I'll call a status conference and you'll tell me all about your experts ... and

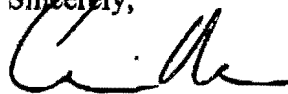
The Honorable Alvin K. Hellerstein  
p. 2

we'll figure out what we can do next.") (emphasis supplied); *see also id.* at 2-3 ("MS. PRINGLE: Yes, your Honor. All that is left is to receive the rebuttal expert reports from Con Edison and to engage in expert discovery. COURT: Why bother with rebuttals? These reports are not evidentiary themselves. It's just a waste of time to work on rebuttal. Go right to your discovery if you have to. MS. PRINGLE: Your Honor, *we are hopeful today that we will obviate the need for any more discovery.* COURT: *You don't need it. Right.*") (emphasis supplied).

We understood Your Honor to be directing the parties to await the resolution of the motions for summary judgment before proceeding with expert depositions. Plaintiffs disagree with our understanding, and have served Notices of Deposition demanding that expert depositions begin as early as May 4. Defendants believe that commencing expert depositions prior to the resolution of the pending summary judgment motions would be premature and, given the number of potential experts in this matter (which currently approaches 20), would require the parties to incur substantial costs that would be unnecessary in the event the Court grants either or both of Defendants' pending summary judgment motions.

Accordingly, Citigroup respectfully requests that the Court confirm, by endorsing this letter, that expert discovery in the above-referenced matters is stayed pending the Court's ruling on Defendants' motions for summary judgment, consistent with the Court's direction during the December 16, 2010 oral argument on those motions. We have been authorized to state that 7WTC Co. joins this request.

Sincerely,



Christopher P. Moore

cc: Franklin M. Sachs, Esq.  
Mark L. Antin, Esq.  
Katherine L. Pringle, Esq.